

Appl. No. 10/789,562
Amdt. dated November 3, 2006
Reply to Office Action of May 17, 2006

PATENT

Amendments to the Drawings:

Attached is a replacement sheet for Figure 1. This sheet replaces the sheet filed September 20, 2004. No annotated sheet is included; as the replacement sheet is submitted to provide a lighter copy of the Figure.

REMARKS

Status of the claims

With entry of the instant amendment, claim 17 has been amended. The amendment adds no new matter.

Claim 17 has been amended to recite a protein fraction comprising a FactorVIII/vWF-complex containing low molecular vWF multimers, non-complexed or weakly bound factor VIII and free factor VIII. Support can be found, *e.g.*, at page 5, lines 18-25.

Claim 17 has also been amended to recite that the factor VIII/vWF-containing solution is a cryoprecipitate, or a supernatant or extract of a recombinant cell culture. Support can be found, *e.g.*, at page 9, lines 18-21.

Claims 1 and 17-22 are currently pending in the application. Claims 1 and 18-22 have been withdrawn by the Examiner. Claim 17 is under examination.

The Examiner requested clarification of amendments to the claims in view of the status identifiers for claim 17 and 21 set forth in the amendment filed March 3, 2006. The status identifier of claim 17 in the amendment inadvertently listed it as "new". As noted by the Examiner, it should have been designated "previously presented". The designation of claim 21 as "currently amended" was also an error. Claim 21 was not amended and should have designated as "previously presented". Applicants thank the Examiner for proceeding with the examination.

Priority

The Examiner has required an official, ribboned copy of the foreign priority application Austria A 338/97 filed on February 27, 1997 in order to obtain the priority benefit of that application. Applicants note that a certified copy of Austria A 338/97 was filed with the USPTO on May 14, 2004 during prosecution of U.S. Application No. 10/003,621 (the '621 application), now U.S. Patent No. 6,953,837. The '621 application is a divisional of the same parent application, U.S. Application No. 09/367,459, as the present application. Applicants

respectfully request that the current requirement to provide a certified copy to the USPTO be deemed to have been met in view of the certified copy submitted for the '621 application.

Objections to the specification

The specification was objected to for various informalities. The Examiner has required: i) updated priority information to include the issued patent number of the parent application, ii) a more descriptive title, and iii) capitalization of trademarks and inclusion of generic terminology. Applicants have amended the specification to address these objections. The amendments add no new matter.

Drawings

The drawings were objected to because Figure 1 is allegedly dark, thereby making it difficult to discern the lanes. Although the version of Figure 1 as filed September 20, 2004 that is in our files has clearly discernable lanes, Applicants provide herewith the required replacement copy.

Rejection under 35 U.S.C. § 101

Claim 17 was rejected as directed to non-statutory subject matter. In particular, the Examiner alleges that the claim reads on a product of nature. In order to expedite prosecution, claim 17 has been amended. The present claim clearly reflects "the hand of the inventor". Withdrawal of the rejection is therefore requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 17 was rejected as allegedly indefinite for the recitation of "substantially free". In order to expedite prosecution, claim 17 has been amended. Claim 17 as amended does not recite "substantially free". Applicants therefore respectfully request withdrawal of the rejection.

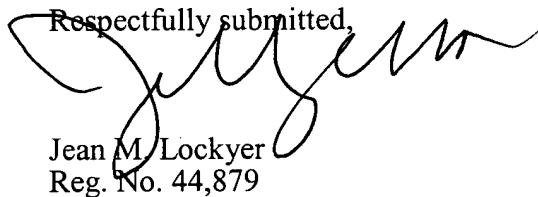
Rejection under 35 U.S.C. § 102(b)

Claim 17 was rejected as allegedly anticipated by SCLAVO in EP 600 4800. SCLAVO, however, describes the purification of Factor VIII/vWF complex from total human plasma. As noted above, in order to expedite prosecution, claim 17 has been amended. The amended claim recites that the factor VIII/vWF-containing solution is a cryoprecipitate, or a supernatant or extract of a recombinant cell culture. SCLAVO does not teach this element. According, the reference is not anticipatory. Applicants therefore respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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Attachments
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